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2009 APR -9 PM 3:33

DIV. OF
VOCATIONAL
REHABILITATION

Contact Person Name: David Esquith Telephone: (202) 245-7336

April 1, 2009

MEMORANDUM

TO: Directors, State Vocational Rehabilitation Agencies

FROM: Edward Anthony, Ph.D.
Delegated the authority to perform the functions of the Commissioner of Rehabilitation Services Administration (RSA)

SUBJECT: The American Recovery and Reinvestment Act of 2009 Rehabilitation Act
State Independent Living Grants

Enclosed is your State's State Independent Living Grants (IL) program grant award under the American Recovery and Reinvestment Act of 2009 (ARRA). The enclosed award represents 100 percent (100%) of your State's award of ARRA State IL Grants funds. These funds are provided in accordance with section 807 of the ARRA, which allows the Secretary to award these ARRA funds on the basis of eligibility determinations made for fiscal year (FY) 2009 for the State IL Grants program and your provision of the certification required by section 1607 of the ARRA. The effective date of the grant award transmitted with this memo is February 17, 2009. Acceptance by your State of this grant award constitutes an agreement by the State to comply with the conditions in Attachment A and Block 10 in the enclosed Grant Award Notification (GAN). Please note that as part of your State Plan for Independent Living (SPIL) for FY 2008 – FY 2010, your State made an assurance, as required by 34 C.F.R. §80.11(c), that it will comply with all applicable Federal statutes and regulations in effect with respect to the periods for which it receives grant funding.

States were not required to submit new or amended SPILs to receive the State IL Grant funds under the ARRA. Although State agencies do not need to amend their SPILs in order to begin expending their ARRA State IL Grants funds, such expenditures must be consistent with the approved SPIL. If there will be a significant and relevant change in (i) the information or assurances in your plan; (ii) the administration or operation of your plan; or (iii) the organization, policies, or operations of your agency, if that change materially affects the information or assurances in the plan, you must amend the SPIL. If you amend the SPIL, you must use the same procedures used to prepare and submit the SPIL, including the joint development of the

amendment by your Designated State Unit and Statewide Independent Living Council and the holding of public hearings, as required by 34 C.F.R. §§ 364.20(c) and (g).

It is important to note that the ARRA State IL Grants funds are a supplemental appropriation to the FY 2009 regular State IL Grants award. These funds are being allocated to your state agency under the program's regular allotment formula.

As detailed in Attachment A of the GAN, States are required to track and account for the ARRA State IL Grants funds separately from the regular State IL Grants funds. The Department will issue specific guidance for preparing and submitting this recordkeeping and reporting information, required by section 1512 of ARRA, and other guidance governing ARRA funds in the coming weeks.

This one-time large increment in State IL Grants funding offers you a unique opportunity to improve and expand independent living outcomes for persons with significant disabilities. We appreciate your ongoing commitment to the provision of quality IL services to persons with significant disabilities and look forward to working with you in creating long-lasting reform to improve outcomes for persons with significant disabilities.

For additional information on the ARRA, please visit the Department's Web site at <http://www.ed.gov/policy/gen/leg/recovery/index.html> or <http://www.recovery.gov>.

Attachment A



U.S. Department of Education

Washington, D.C. 20202

GRANT AWARD NOTIFICATION

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DIV. OF
VOCATIONAL
REHABILITATION

1	RECIPIENT NAME: WI DIV OF VOC REHABILITATION DEPT OF WORKFORCE DEVELOPMENT 201 East Washington Avenue Madison, WI 53702	5	AWARD INFORMATION PR/AWARD NUMBER H398A090073 ACTION NUMBER 01 ACTION TYPE New AWARD TYPE Formula																					
2	PROJECT DESCRIPTION 84.398A STATE INDEPENDENT LIVING SERVICES, RECOVERY ACT	6	AWARD PERIODS BUDGET PERIOD 02/17/2009 - 09/30/2010 FEDERAL FUNDING PERIOD 02/17/2009 - 09/30/2010																					
3	EDUCATION STAFF RECIPIENT STATE DIRECTOR DR. CHARLENE DWYER (608) 261 - 0050 EDUCATION PROGRAM CONTACT William G. Bethel (202) 245 - 6775 EDUCATION PAYMENT CONTACT GAPS PAYEE HOTLINE (888) 336 - 8930	7	AUTHORIZED FUNDING CURRENT AWARD AMOUNT \$248,731.00 PREVIOUS CUMULATIVE AMOUNT \$0.00 CUMULATIVE AMOUNT \$248,731.00																					
4	KEY PERSONNEL N/A	8	ADMINISTRATIVE INFORMATION DUNS/SSN 081124096 REGULATIONS CFR PART 364-365 EDGAR AS APPLICABLE ATTACHMENTS A																					
9	LEGISLATIVE AND FISCAL DATA AUTHORITY: PL 105-220; 111-5 REHABILITATION ACT OF 1973, AS AMENDED. AMERICAN RECOVERY AND REINVEST PROGRAM TITLE: INDEPENDENT LIVING - STATE GRANTS CFDA/SUBPROGRAM NO: 84.398A <table border="1"><thead><tr><th>FUND CODE</th><th>FUNDING YEAR</th><th>AWARD YEAR</th><th>ORG. CODE</th><th>CATEGORY</th><th>LIMITATION</th><th>ACTIVITY</th><th>CFDA</th><th>OBJECT CLASS</th><th>AMOUNT</th></tr></thead><tbody><tr><td>0302M</td><td>2009</td><td>2009</td><td>EHR00000</td><td>B</td><td>LP2</td><td>000</td><td>398</td><td>4101A</td><td>\$248,731.00</td></tr></tbody></table>				FUND CODE	FUNDING YEAR	AWARD YEAR	ORG. CODE	CATEGORY	LIMITATION	ACTIVITY	CFDA	OBJECT CLASS	AMOUNT	0302M	2009	2009	EHR00000	B	LP2	000	398	4101A	\$248,731.00
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U.S. Department of Education
Washington, D.C. 20202

GRANT AWARD NOTIFICATION

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PR/AWARD NUMBER: H398A090073

RECIPIENT NAME: WI DIV OF VOC REHABILITATION
DEPT OF WORKFORCE DEVELOPMENT

DIV. OF
VOCATIONAL
REHABILITATION

TERMS AND CONDITIONS

- (1) THIS AWARD IS SUBJECT TO THE TERMS AND CONDITIONS IDENTIFIED IN ATTACHMENT A.

AUTHORIZING OFFICIAL

3/31/09

DATE

EXPLANATION OF BLOCKS ON THE GRANT AWARD NOTIFICATION

For Discretionary, Formula, and Block Grants

(See Block 5 of the Notification)

1. **RECIPIENT NAME** - The legal name of the recipient, name of the primary organizational unit that will undertake the funded activity, and the complete address of the recipient. The recipient is commonly known as the "grantee."
2. **PROJECT TITLE AND CFDA NUMBER** - Identifies the Catalog of Federal Domestic Assistance (CFDA) subprogram title and the associated subprogram number.
3. **PROJECT STAFF** - This block contains the names and telephone numbers of the U.S. Department of Education and recipient staff who are responsible for project direction and oversight.
 - ***RECIPIENT PROJECT DIRECTOR** - The recipient staff person responsible for administering the project. This person represents the recipient to the U.S. Department of Education.
 - EDUCATION PROGRAM CONTACT** - The U.S. Department of Education staff person responsible for the programmatic, administrative and business-management concerns of the Department.
 - EDUCATION PAYMENT CONTACT** - The U.S. Department of Education staff person responsible for payments or questions concerning electronic drawdown and financial expenditure reporting.
4. * **KEY PERSONNEL** - Name, title and percentage (%) of effort the key personnel identified devotes to the project.
5. **AWARD INFORMATION** - Unique items of information that identify this notification.
 - PR/AWARD NUMBER** - A unique, identifying number assigned by the Department to each application. On funded applications, this is commonly known as the "grant number" or "document number."
 - ACTION NUMBER** - A numeral that represents the cumulative number of steps taken by the Department to date to establish or modify the award through fiscal or administrative means. Action number "01" will always be "NEW AWARD"
 - ACTION TYPE** - The nature of this notification (e.g., NEW AWARD, CONTINUATION, REVISION, ADMINISTRATIVE)
 - AWARD TYPE** - The particular assistance category in which funding for this award is provided, i.e., DISCRETIONARY, FORMULA, or BLOCK.
6. **AWARD PERIODS** - Project activities and funding are approved with respect to three different time periods, described below:
 - BUDGET PERIOD** - A specific interval of time for which Federal funds are being provided from a particular fiscal year to fund a recipient's approved activities and budget. The start and end dates of the budget period are shown.
 - PERFORMANCE PERIOD** - The complete length of time the recipient is proposed to be funded to complete approved activities. A performance period may contain one or more budget periods.
 - ***FUTURE BUDGET PERIODS** - The estimated remaining budget periods for multi-year projects and estimated funds the Department proposes it will award the recipient provided substantial progress is made by the recipient in completing approved activities, the Department determines that continuing the project would be in the best interest of the Government, Congress appropriates sufficient funds under the program, and the recipient has submitted a performance report that provides the most current performance information and the status of budget expenditures.
7. **AUTHORIZED FUNDING** - The dollar figures in this block refer to the Federal funds provided to a recipient during the award periods.
 - ***THIS ACTION** - The amount of funds obligated (added) or de-obligated (subtracted) by this notification.
 - ***BUDGET PERIOD** - The total amount of funds available for use by the grantee during the stated budget period to this date.
 - ***PERFORMANCE PERIOD** - The amount of funds obligated from the start date of the first budget period to this date.
 - RECIPIENT COST-SHARE** - The funds, expressed as a percentage, that the recipient is required to contribute to the project, as defined by the program legislation or regulations and/or terms and conditions of the award.
 - RECIPIENT NON-FEDERAL AMOUNT** - The amount of non-federal funds the recipient must contribute to the project as identified in the recipient's application. When non-federal funds are identified by the recipient where a cost share is not a legislation requirement, the recipient will be **required** to provide the non-federal funds.
8. **ADMINISTRATIVE INFORMATION** - This information is provided to assist the recipient in completing the approved activities and managing the project in accordance with U.S. Department of Education procedures and regulations.
 - DUNS/SSN** - A unique, identifying number assigned to each recipient for payment purposes. The number is based on either the recipient's assigned number from Dun and Bradstreet or the individual's social security number.
 - ***REGULATIONS** - The parts of the Education Department General Administrative Regulations (EDGAR) and specific program regulations that govern the award and administration of this grant.
 - ***ATTACHMENTS** - Additional sections of the Grant Award Notification that discuss payment and reporting requirements, explain Department procedures, and add special terms and conditions in addition to those established, and shown as clauses, in Block 10 of the award. Any attachments provided with a notification continue in effect through the project period until modified or rescinded by the Authorizing Official.
9. **LEGISLATIVE AND FISCAL DATA** - The name of the authorizing legislation for this grant, the CFDA title of the program through which funding is provided, and U.S. Department of Education fiscal information.
 - FUND CODE, FUNDING YEAR, AWARD YEAR, ORG. CODE, PROJECT CODE, OBJECT CLASS** - The fiscal information recorded by the U.S. Department of Education's Grant Administration and Payment System to track obligations by award.
 - AMOUNT** - The amount of funds provided from a particular appropriation and project code. Some notifications authorize more than one amount from separate appropriations and/or project codes. The total of all amounts in this block equals the amount shown on the line, "THIS ACTION" (See "AUTHORIZED FUNDING" above (Block 7)).
10. **TERMS AND CONDITIONS OF AWARD** - Requirements of the award that are binding on the recipient.
 - ***AUTHORIZING OFFICIAL** - The U.S. Department of Education official authorized to award Federal funds to the recipient, establish or change the terms and conditions of the award, and authorize modifications to the award.

FOR FORMULA AND BLOCK GRANTS ONLY:

(See also Blocks 1, 2, 5, 6, 8, 9 and 10 above)

3. **EDUCATION STAFF** - The U.S. Department of Education staff persons to be contacted for programmatic and payment questions.
7. **AUTHORIZED FUNDING**
 - CURRENT AWARD AMOUNT** - The amount of funds that are obligated (added) or de-obligated (subtracted) by this action.
 - PREVIOUS CUMULATIVE AMOUNT** - The total amount of funds awarded under the grant before this action.
 - CUMULATIVE AMOUNT** - The total amount of funds awarded under the grant, this action included.

* This item differs or does not appear on formula and block grants.



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE CHIEF FINANCIAL OFFICER
& CHIEF INFORMATION OFFICER
March 31, 2009

DR. CHARLENE DWYER
WI DIV OF VOC REHABILITATION
DEPT OF WORKFORCE DEVELOPMENT
201 East Washington Avenue
Madison, WI 53702

SUBJECT: Payee Verification for Grant Award H398A090073

This is to inform you of the payee for the above listed grant award issued by the United States Department of Education.

Grantee DUNS/SSN: 081124096
Grantee Name: WI DIV OF VOC REHABILITATION
DEPT OF WORKFORCE DEVELOPMENT

Payee DUNS/SSN: 081124096
Payee Name: Wisconsin Dept Administration

If any of the above information is not correct, please contact a Payee Customer Support Representative at 1-888-336-8930. Please send all correspondence relating to payee or bank information changes to the following address:

U.S. Department of Education
400 Maryland Ave., SW
Room 4C138
Washington, DC 20202

Attn: Claudia Staplefoote
Phone: (202) 401-1117
Fax: (202) 260-5505

ATTACHMENT A
IL Part B ARRA Grant Terms and Conditions

A. Award Term—Reporting and Registration Requirement under Section 1512 of the American Recovery and Reinvestment Act of 2009, Public Law 111-5

- (a) This award requires the recipient to complete projects or activities which are funded under the American Recovery and Reinvestment Act of 2009 (“Recovery Act or ARRA”) and to report on use of Recovery Act funds provided through this award. Information from these reports will be made available to the public.
- (b) The first report is due no later than ten calendar days after the initial calendar quarter in which the recipient receives the assistance award funded in whole or in part by the Recovery Act, or July 10, 2009. Thereafter, reports shall be submitted no later than the 10th day after the end of each calendar quarter.
- (c) Recipients and their first-tier subrecipients (but not vendors for goods and services as distinguished in §__210 of the attachment to OMB Circular A-133, “Audits of States, Local Governments, and Non-Profit Organizations”) must maintain current registrations in the Central Contractor Registration (www.ccr.gov) at all times during which they have active federal awards funded with Recovery Act funds.
- (d) The recipient shall report the information described in section 1512(c) using the reporting instructions and data elements that will be provided online at www.FederalReporting.gov, and will provide any additional information required by the Department, unless the information is pre-populated in www.FederalReporting.gov, and in any additional form required by the Department. At a minimum, grantees should anticipate reporting:
 - the total amounts of ARRA funds received and expended or obligated;
 - the name, description, and evaluation of the project or activity’s completion status; and
 - an estimate of the number of jobs that were saved or created with the funds.

B. Award Term—Infrastructure Certification Requirement under Section 1511 of the American Recovery and Reinvestment Act of 2009 (Recovery Act)

For infrastructure investment projects, the recipient, or appropriate chief executive, must post an online certification that the infrastructure investment received the full review and vetting required by law and that the recipient accepts responsibility that the investment is an appropriate use of taxpayer funds. This certification along with other required information such as a description of the investment, estimated total cost, and amount of Recovery Act funds to be used, must be posted and linked on the Recovery Accountability and Transparency Board website. A recipient may not use funds for infrastructure investment funding unless this certification is made and posted.

C. Award Term— Required Use of American Iron, Steel, and Manufactured Goods—Section 1605 of the American Recovery and Reinvestment Act of 2009

ATTACHMENT A
IL Part B ARRA Grant Terms and Conditions

(a) *Definitions.* As used in this specific award term and condition—

“Construction material” means iron, steel, or manufactured goods brought to the construction site by the recipient, subrecipient or a subcontractor for incorporation into the public building or public work. However, emergency life safety systems, such as emergency lighting, fire alarm, and audio evacuation systems, that are discrete systems incorporated into a public building or work and that are produced as complete systems, are evaluated as a single and distinct construction material regardless of when or how the individual parts or components of those systems are delivered to the construction site.

“Manufactured good or product” means an item incorporated into the physical structure of the public building or used in a public work that is the result of processing materials by way of machinery and/or labor that produce a substantially different item. Where the basic form or function of the material processed remains the same, or the processing does not add value to the item, it is not manufactured. There is no requirement with regard to the origin of components or subcomponents in manufactured goods or products, as long as the manufacture of the goods occurs in the United States.

“Public building” and “public work” means a public building of, and a public work of, a governmental entity (the United States, the District of Columbia, commonwealths and territories of the United States and minor outlying islands, and State and local governments). These buildings and works may include, without limitation, bridges, dams, plants, highways, parkways, streets, subways, tunnels, sewers, mains, power lines, pumping stations, heavy generators, railways, airports, terminals, docks, piers, wharves, ways, lighthouses, buoys, jetties, breakwaters, levees, and canals, and the construction, alteration, maintenance, or repair of such buildings and works.

“Steel” means an alloy that includes at least 50 percent iron, between .02 and 2 percent carbon, and may include other elements.

(b) *Domestic preference.*

- (1) This award term and condition implements Section 1605 of the American Recovery and Reinvestment Act of 2009 (Recovery Act) (Pub. L. 111-5), by requiring that all iron, steel, and other manufactured goods used in the project are produced in the United States except as provided in paragraph (b)(3) and (b)(4) of this term and condition.
- (2) This requirement does not apply to the material listed by the Government as follows:

NONE

ATTACHMENT A
IL Part B ARRA Grant Terms and Conditions

(3) The award official may add other iron, steel, and/or other manufactured goods to the list in paragraph (b)(2) of this term and condition if the Federal Government determines that—

- (i) The cost of the domestic iron, steel, and/or manufactured goods would be unreasonable. The cost of domestic iron, steel, or manufactured goods used in the project is unreasonable when the cumulative cost of such material will increase the cost of the overall project by more than 25 percent;
- (ii) The iron, steel, and/or manufactured goods is not produced or manufactured in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or
- (iii) The application of the restriction of section 1605 of the Recovery Act would be inconsistent with the public interest.

(c) *Request for determination of inapplicability of Section 1605 of the Recovery Act.*

- (1) (i) Any recipient request to use foreign iron, steel, and/or manufactured goods in accordance with paragraph (b)(3) of this term and condition shall include adequate information for Federal Government evaluation of the request, including—
 - (A) A description of the foreign and domestic iron, steel, and/or manufactured goods;
 - (B) Unit of measure;
 - (C) Quantity;
 - (D) Cost;
 - (E) Time of delivery or availability;
 - (F) Location of the construction project;
 - (G) Name and address of the proposed supplier; and
 - (H) A detailed justification of the reason for use of foreign iron, steel, and/or manufactured goods cited in accordance with paragraph (b)(3) of this term and condition.
 - (ii) A request based on unreasonable cost shall include a reasonable survey of the market and a completed cost comparison table in the format in paragraph (d) of this term and condition.
 - (iii) The cost of iron, steel, and/or manufactured goods shall include all delivery costs to the construction site and any applicable duty.
 - (iv) Any recipient request for a determination submitted after Recovery Act funds have been obligated for a project for construction, alteration, maintenance or repair shall explain why the recipient could not reasonably foresee the need for such determination and could not have requested the determination before the funds were obligated. If the recipient does not submit a satisfactory explanation, the award official need not make a determination.
- (2) If the Federal Government determines after award funds have been obligated for a project for construction, alteration, maintenance or repair that an exception to section 1605 of the Recovery Act applies, the award official will

ATTACHMENT A
IL Part B ARRA Grant Terms and Conditions

amend the award to allow use of the foreign iron, steel, and/or manufactured goods. When the basis for the exception is nonavailability or public interest, the amended award shall reflect adjustment of the award amount or redistribution of budgeted funds, as appropriate, to cover costs associated with acquiring or using the foreign iron, steel, and/or manufactured goods. When the basis for the exception is the unreasonable cost of the domestic iron, steel, and/or manufactured goods, the award official shall adjust the award amount or redistribute budgeted funds, as appropriate, by at least the differential established in 2 CFR 176.110(a).

- (3) Unless the Federal Government determines that an exception to section 1605 of the Recovery Act applies, use of foreign iron, steel, and/or manufactured goods is noncompliant with section 1605 of the American Recovery and Reinvestment Act.

- (d) *Data.* To permit evaluation of requests under paragraph (c) of this term and condition based on unreasonable cost, the Recipient shall include the following information and any applicable supporting data based on the survey of suppliers:

Foreign and Domestic Items Cost Comparison

Description	Unit of Measure	Quantity	Cost (Dollars)*
<i>Item 1:</i>			
Foreign iron, steel, and/or manufactured goods	_____	_____	_____
Domestic iron, steel, and/or manufactured goods	_____	_____	_____
<i>Item 2:</i>			
Foreign iron, steel, and/or manufactured goods	_____	_____	_____
Domestic iron, steel, and/or manufactured goods	_____	_____	_____

[List name, address, telephone number, email address, and contact for suppliers surveyed. Attach copy of response; if oral, attach summary.]

[Include other applicable supporting information.]

[Include all delivery costs to the construction site.]*

D. Award Term—Required Use of American Iron, Steel, and Manufactured Goods (Covered under International Agreements)—Section 1605 of the American Recovery and Reinvestment Act of 2009.

- (a) *Definitions.* As used in this award term and condition—

ATTACHMENT A
IL Part B ARRA Grant Terms and Conditions

“Construction material” means iron, steel, or manufactured goods brought to the construction site by the recipient, subrecipient or a subcontractor for incorporation into the public building or public work. However, emergency life safety systems, such as emergency lighting, fire alarm, and audio evacuation systems, that are discrete systems incorporated into a public building or work and that are produced as complete systems, are evaluated as a single and distinct construction material regardless of when or how the individual parts or components of those systems are delivered to the construction site.

“Designated country” --

- (1) A World Trade Organization Government Procurement Agreement country (Aruba, Austria, Belgium, Bulgaria, Canada, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hong Kong, Hungary, Iceland, Ireland, Israel, Italy, Japan, Korea (Republic of), Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Singapore, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, and United Kingdom);
- (2) A Free Trade Agreement (FTA) country (Australia, Bahrain, Canada, Chile, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Israel, Mexico, Morocco, Nicaragua, Oman, Peru, or Singapore); or
- (3) A least developed country (Afghanistan, Angola, Bangladesh, Benin, Bhutan, Burkina Faso, Burundi, Cambodia, Central African Republic, Chad, Comoros, Democratic Republic of Congo, Djibouti, East Timor, Equatorial Guinea, Eritrea, Ethiopia, Gambia, Guinea, Guinea-Bissau, Haiti, Kiribati, Laos, Lesotho, Liberia, Madagascar, Malawi, Maldives, Mali, Mauritania, Mozambique, Nepal, Niger, Rwanda, Samoa, Sao Tome and Principe, Senegal, Sierra Leone, Solomon Islands, Somalia, Tanzania, Togo, Tuvalu, Uganda, Vanuatu, Yemen, or Zambia)

“Designated country iron, steel, and/or manufactured goods” --

- (1) Is wholly the growth, product, or manufacture of a designated country; or
- (2) In the case of a construction material that consists in whole or in part of materials from another country, has been substantially transformed in a designated country into a new and different construction material distinct from the materials from which it was transformed.

“Manufactured good” means an item incorporated into the physical structure of the public building or used in a public work that is the result of processing materials by way of machinery and/or labor that produce a substantially different item. Where the basic form or function of the material processed remains the same, or the processing does not add value to the item, it is not manufactured. There is no requirement with regard to the origin of components or subcomponents in manufactured goods or products, as long as the manufacture of the goods occurs in the United States.

ATTACHMENT A
IL Part B ARRA Grant Terms and Conditions

"Public building" and "public work" means a public building of, and a public work of, a governmental entity (the United States, the District of Columbia, commonwealths and territories of the United States and minor outlying islands, and State and local governments). These buildings and works may include, without limitation, bridges, dams, plants, highways, parkways, streets, subways, tunnels, sewers, mains, power lines, pumping stations, heavy generators, railways, airports, terminals, docks, piers, wharves, ways, lighthouses, buoys, jetties, breakwaters, levees, and canals, and the construction, alteration, maintenance, or repair of such buildings and works.

"Steel" means an alloy that includes at least 50 percent iron, between .02 and 2 percent carbon, and may include other elements.

(b) *Iron, steel, and manufactured goods.*

- (1) This award term and condition implements
 - (i) Section 1605 of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5) (Recovery Act), by requiring that all iron, steel, and manufactured goods used in the project are produced in the United States; and
 - (ii) Section 1605(d), which requires application of the Buy American requirement in a manner consistent with U.S. obligations under international agreements. The restrictions of section 1605 of the Recovery Act do not apply to designated country iron, steel, and manufactured goods. The Buy American requirement in section 1605 shall not be applied where the iron, steel or manufactured goods used in the project are from a Party to an international agreement that obligates the recipient to treat the goods and services of that Party the same as domestic goods and services, or where the iron, steel or manufactured goods are from a least developed country. This obligation shall only apply to projects with an estimated value of \$7,443,000 or more.
- (2) The recipient shall use only domestic or designated country iron, steel, and manufactured goods in performing the work funded in whole or part with this award, except as provided in paragraphs (b)(3) and (b)(4) of this term and condition.
- (3) The requirement in paragraph (b)(2) of this term and condition does not apply to the iron, steel, and manufactured goods listed by the Government as follows:

NONE.

- (4) The award official may add other iron, steel, and/or manufactured goods to the list in paragraph (b)(3) of this clause if the Federal Government determines that—
 - (i) The cost of domestic iron, steel, and manufactured goods would be unreasonable. The cost of domestic iron, steel, and/or manufactured

ATTACHMENT A
IL Part B ARRA Grant Terms and Conditions

goods used in the project is unreasonable when the cumulative cost of such material will increase the overall cost of the project by more than 25 percent;

- (ii) The iron, steel, and/or manufactured goods is not produced, or manufactured in the United States in sufficient and reasonably available commercial quantities of a satisfactory quality; or
- (iii) The application of the restriction of section 1605 of the Recovery Act to a particular construction material would be inconsistent with the public interest.

(c) *Request for determination of inapplicability of section 1605 of the Recovery Act or the Buy American Act.*

- (1) (i) Any recipient request to use foreign iron, steel, and/or manufactured goods in accordance with paragraph(b)(4) of this term and condition shall include adequate information for Federal Government evaluation of the request, including—
 - (A) A description of the foreign and domestic iron, steel, and/or manufactured goods;
 - (B) Unit of measure;
 - (C) Quantity;
 - (D) Cost;
 - (E) Time of delivery or availability;
 - (F) Location of the project;
 - (G) Name and address of the proposed supplier; and
 - (H) A detailed justification of the reason for use of foreign iron, steel, and/or manufactured goods cited in accordance with paragraph (b)(4) of this term and condition.
 - (ii) A request based on unreasonable cost shall include a reasonable survey of the market and a completed cost comparison table in the format in paragraph (d) of this term and condition.
 - (iii) The cost of iron, steel, or manufactured goods shall include all delivery costs to the construction site and any applicable duty.
 - (iv) Any recipient request for a determination submitted after Recovery Act funds have been obligated for a project for construction, alteration, maintenance, or repair shall explain why the recipient could not reasonably foresee the need for such determination and could not have requested the determination before the funds were obligated. If the recipient does not submit a satisfactory explanation, the award official need not make a determination.
- (2) If the Federal Government determines after funds have been obligated for a project for construction, alteration, maintenance, or repair that an exception to section 1605 of the Recovery Act applies, the award official will amend the award to allow use of the foreign iron, steel, and/or relevant manufactured goods. When the basis for the exception is nonavailability or public interest, the amended award shall reflect adjustment of the award amount or

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redistribution of budgeted funds, as appropriate, to cover costs associated with acquiring or using the foreign iron, steel, and/or relevant manufactured goods. When the basis for the exception is the unreasonable cost of the domestic iron, steel, or manufactured goods, the award official shall adjust the award amount or redistribute budgeted funds, as appropriate, by at least the differential established in 2 CFR 176.110(a).

- (3) Unless the Federal Government determines that an exception to the section 1605 of the Recovery Act applies, use of foreign iron, steel, and/or manufactured goods other than designated country iron, steel, and/or manufactured goods is noncompliant with the applicable Act.

- (d) *Data.* To permit evaluation of requests under paragraph (b) of this term and condition, based on unreasonable cost, the applicant shall include the following information and any applicable supporting data based on the survey of suppliers:

Foreign and Domestic Items Cost Comparison

Description	Unit of Measure	Quantity	Cost (Dollars)*
<i>Item 1:</i>			
Foreign iron, steel, and/or manufactured goods	_____	_____	_____
Domestic iron, steel, and/or manufactured goods	_____	_____	_____
<i>Item 2:</i>			
Foreign iron, steel, and/or manufactured goods	_____	_____	_____
Domestic iron, steel, and/or manufactured goods	_____	_____	_____

[List name, address, telephone number, email address, and contact for suppliers surveyed. Attach copy of response; if oral, attach summary.]

[Include other applicable supporting information.]

[Include all delivery costs to the construction site.]*

E. Award Term—Wage Rate Requirements under Section 1606 of the American Recovery and Reinvestment Act of 2009

- a) Section 1606 of the Recovery Act requires that all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to the Recovery Act shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of

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Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code.

Pursuant to Reorganization Plan No. 14 and the Copeland Act, 40 U.S.C. 3145, the Department of Labor has issued regulations at 29 CFR Parts 1, 3, and 5 to implement the Davis-Bacon and related Acts. Regulations in 29 CFR 5.5 instruct agencies concerning application of the standard Davis-Bacon contract clauses set forth in that section. Federal agencies providing grants under the Recovery Act shall ensure that the standard Davis-Bacon contract clauses found in 29 CFR 5.5(a) are incorporated in any resultant covered contracts that are in excess of \$2,000 for construction, alteration or repair (including painting and decorating).

- (b) For additional guidance on the wage rate requirements of section 1606, contact your awarding agency. Grant recipients should direct their initial inquiries concerning the application of Davis-Bacon requirements to a particular federally assisted project to the Federal agency funding the project. The Secretary of Labor retains final coverage authority under Reorganization Plan Number 14.

F. Award Term—Recovery Act Transactions listed in Schedule of Expenditures of Federal Awards and Recipient Responsibilities for Informing Subrecipients

- (a) To maximize the transparency and accountability of funds authorized under the American Recovery and Reinvestment Act of 2009 (Public Law 111-5) (Recovery Act) as required by Congress and in accordance with 2 CFR 215, subpart __. 21 “Uniform Administrative Requirements for Grants and Agreements” and OMB A-102 Common Rules provisions, recipients agree to maintain records that identify adequately the source and application of Recovery Act funds.
- (b) For recipients covered by the Single Audit Act Amendments of 1996 and OMB Circular A-133, “Audits of States, Local Governments, and Non-Profit Organizations,” recipients agree to separately identify the expenditures for Federal awards under the Recovery Act on the Schedule of Expenditures of Federal Awards (SEFA) and the Data Collection Form (SF-SAC) required by OMB Circular A-133. This shall be accomplished by identifying expenditures for Federal awards made under the Recovery Act separately on the SEFA, and as separate rows under Item 9 of Part III on the SF-SAC by CFDA number, and inclusion of the prefix “ARRA-” in identifying the name of the Federal program on the SEFA and as the first characters in Item 9d of Part III on the SF-SAC.
- (c) Recipients agree to separately identify to each subrecipient, and document at the time of sub-award and at the time of disbursement of funds, the Federal award number, CFDA number, and amount of Recovery Act funds. When a recipient awards Recovery Act funds for an existing program, the information furnished to subrecipients shall distinguish the subawards of incremental Recovery Act funds from regular subawards under the existing program.

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- (d) Recipients agree to require their subrecipients to include on their SEFA information to specifically identify Recovery Act funding similar to the requirements for the recipient SEFA described above. This information is needed to allow the recipient to properly monitor subrecipient expenditure of ARRA funds as well as oversight by the Federal awarding agencies, Offices of Inspector General and the Government Accountability Office

G. Award Term—Reporting of Fraud and Misconduct

Each recipient and subrecipient awarded funds made available under the Recovery Act must promptly refer to the Department of Education's Office of Inspector General any credible evidence that a principal officer, employee, agent, contractor, subrecipient, subcontractor, or other person has submitted a false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving those funds. Information about the Office of Inspector General Hotline is available at: <http://www.ed.gov/about/offices/list/oig/hotline.html>

H. Award Term—National Environmental Policy Act requirements under Section 1609 of the American Recovery and Reinvestment Act of 2009

All recipients must comply with any applicable environmental impact requirements of the National Environmental Policy Act of 1970 (NEPA), as amended, (42 U.S.C. 4371 *et seq.*), 40 CFR parts 1500 through 1508 and any State government requirements that implement NEPA. The recipient must follow the reporting instructions that will be provided online at www.FederalReporting.gov with respect to compliance with NEPA requirements and documentation for affected projects.

I. Conditions Governing State Independent Living (IL) Grants

This grant award is subject to compliance with the requirements of the Recovery Act that states use these funds to carry out the State IL Grants program authorized under Title VII, chapter 1, Part B of the Rehabilitation Act of 1973, as amended.

J. Conditions Governing FY 2008 and FY 2009 Grant Awards Apply to Recovery Act Funds

Conditions, if any, placed on your fiscal year (FY) 2008 grant award apply to these funds, unless those conditions have been removed or revised. If any conditions are placed on your FY 2009 grant award, those conditions will apply to the Recovery Act Funds.

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K. General Grant Terms and Conditions

TERMS AND CONDITIONS

- (1) This grant award is subject to the terms and conditions as stated in your approved FY 2008 – 2010 State Plan for Independent Living (SPIL), Title VII, chapter 1, Part B of the Rehabilitation Act, all policies, rules and regulations of the State IL Grants program, as well as all laws, policies, rules and regulations of the Department regarding state administered programs.
- (2) When issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing this program funded in whole or in part with federal money, all grantees receiving federal funds, including but not limited to state and local governments, shall state clearly:
 - (a) The dollar amount of federal funds for the project,
 - (b) The percentage of the total cost of the project that will be financed with federal funds, and
 - (c) The percentage and dollar amount of the total cost of the project that will be financed by non-governmental sources.
- (3) This grant award covers the period beginning February 17, 2009, and ending September 30, 2010, for purposes of applying the carryover requirements of section 19 of the Rehabilitation Act. Recipients' cost share is 10% as stated in section 712(b) of the Rehabilitation Act. The carryover of federal funds is contingent upon meeting the applicable matching requirement by September 30, 2010. All ARRA funds must be obligated by September 30, 2011.
- (4) This grant award is conditioned on your state's compliance with the State Plan amendment requirements in 34 CFR §364.20 and §§76.140-76.141 of the Education Department General Administrative Regulations. In accordance with those requirements, your SPIL must be amended if there will be a significant and relevant change in (i) the information or assurances in the plan; (ii) the administration or operation of the plan; or (iii) the organization, policies, or operations of the state agency that received the grant, if the change materially affects the information or assurances in the plan. Section 76.141 requires that the same procedures used to prepare and submit a State Plan be used in amending a State Plan, including the joint development of the amendment by the Designated State Unit and State Independent Living Council in 34 CFR § 364.20(c), and the public hearing requirements in 34 CFR §364.20(g).

L. Request for Approval of Program Income

In projects that generate program income, as defined in 34 CFR 80.25(b), the recipient calculates the amount of program income according to the guidance given in 34 CFR 80.25.

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The recipient may exercise either of the two options or combination of options listed below, as provided in 34 CFR 80.25, for using program income generated in the course of the recipient's authorized project activities:

- Adding program income to funds committed to the project by the Secretary and recipient and using it to further eligible project or program objectives; and/or
- Deducting program income from the total project or program allowable cost in determining the net allowable costs on which the federal share of costs is based.

The recipient may not use program income to finance the non-federal share of the project or program.

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DR. CHARLENE DWYER
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DEPT OF WORKFORCE DEVELOPMENT
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